

From the Cincinnati Gazette.

The Gambler's Wife.

A lonely wail I'm keeping, Ned,
Beside this cheerless hearth,
The night winds round me sweeping, Ned,
And desolate the earth;
The cat is purring on the floor,
The clock keeps up its "tick,"
The shadows deepen on the door,
Long grows the midnight wick.

And I watch the weary hours, Ned,
As silently they roll,
Each added one but lowers, Ned,
Still darker on my soul,
I have been thine, beloved, thine,
Five fleeting, changing years,
Thou art pledging others now in wine,
I'm pledging thee in tears.

And I feel that fewer moons, Ned,
Will shine upon me now,
For the heavy seal will soon, Ned,
Be resting on my brow;
Then who will watch and wait for thee,
And trim the midnight wick,
And count the hours on banded knees,
And list the solemn "tick?"

And the shadows from the door, Ned,
Dispel to let thee in,
And in thy smile once more, Ned,
Forget thy every sin;
And when there comes no kindly word,
In sad or sunny weather,
Perhaps thou'lt wish we'd oftener heard
The old clock "tick" together!

But I'll love and guard thee still, Ned,
And soothe thy troubled breast,
And fill with holy sadness, Ned,
The visions of thy rest;
When the sin that long has bound thee,
Our Father has forgiven,
Then I'll throw my spirit round thee,
And bear thee up to Heaven.

FEL FLINT.

AN ADDRESS
BEFORE THE
SPRINGFIELD TOWNSHIP
TEMPERANCE SOCIETY,
AND THE
PUTNAM DIVISION
OF THE
SONS OF TEMPERANCE,
ON THE
Relations of Temperance to Law as It Is, and
Law as It Ought To Be.

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I propose to discuss some of the relations of the subject of Temperance to law; what the law is in connection with this theme; and what it should be.

The word Temperance has been narrowed in its meaning since its original introduction. It used to mean restraint; not from the use of liquor only; not from its use absolutely and entirely. As it is used in the New Testament and literally, Temperance means such a curbing of our mental and moral nature, our habits and passions, as will make them harmonize with reason. This would include restraint from all inordinate passions and pernicious habits. It would check the glutton as well as the drunkard. It would forbid the luxuries which teem upon our tables, and the finery which flaunts from our persons; as well as the wine which beads upon the brimming cup, and makes dizzy the seat of sense. It would stay the abusive language which rises from our partisan press, as well as close our distilleries. It would check the uplifted arm of passion and benumb the murderous intent, as well as dash from the lip the poisonous fluid. This is temperance in its large roundabout meaning. It puts a bit into the mouth; holds men in the true traces, and guides them along the road of life, with fewer ups and less downs than any other power, save perhaps the power of the Law! We should not only drink temperately, but talk temperately, move temperately, eat temperately, dress temperately. We should not even do good intemperately. Intemperate Temperance has done great harm to the cause; just as intemperate zeal in Christianity has done more harm than even infidelity.

In defining what Temperance is, I have not come far short of a definition of Law itself. If so, and they be their nature akin, our law-givers might as well recognize the relationship in their legislation. The consideration of this, will be the practical aim of my address.

1. Law is said to be a rule of action; a power controlling, restraining and keeping our conduct with due temperance. Temperance, more strictly, is the mental, spiritual restraint, not seen, felt and handled. Law is an outward objective agency; which, upon earth, only takes hold of overt acts. Thoughts and passions crystallized into acts, resolved into form and capable of being seen and proven; these are the objects of human law.

Then Temperance and Law have the same function; the restraint of men. The law stops your neighbor from trespassing on your property; and from converting to his use the result of your labors. Constitutions and laws are temperance pledges sealed with every man's own interest and consent. Temperance rightly administered, is law. The community would cry out bitterly against the law, if it failed to give each man his property, protect him in its use, punish him who stole it; or if it failed to hold before the person of every one its impalpable shield, guarding sacredly the body from assault, maiming, or murder; or if it failed to enforce the performance of obligation, the payments of debts, and all the other objects of a refined jurisprudence; but mark you, this same community has not a word to say if the same thing is done by indiscretion; not a word, if your vender of liquor wrests, inch by inch, from his poor neighbor, the victim to his unrestrained passions, his farm, house, furniture, fuel, cooking utensils, clothing, money, his all; can allow the vender of liquor to assault, maim, inflame, poison and murder his body indirectly and disguisedly; can permit the vender to be indebted to the family of the inebriate even for his bread; yet this same law, so potent in the one case, becomes in the other powerless; this same law cased in adamant and armed with terrors, becomes a child with a javelin of straw, utterly incompetent to its purpose, entirely unfaithful to the high mission of restraining the wrong doer from entrenching upon the rights of the citizen! Nay, further, by a singular perversion of the law-making faculty, this very shield, or should be shield of the law, becomes a sword in the hands of the enemies of temperance. It holds its protectingegis over these abusers of the rights of others. It says to the vender of liquor, you may with impunity rob your neighbor, ruin his body, break up his family, scatter his goods; only pay us a small bonus for the dear, delightful privilege! Go on in your work of demolition and encroachment! rob, steal, burn, pillage, destroy, murder; or do it indirectly, quietly and without bluster, and we will license you to do this work. Yes, Law, which in its beautiful adaptations to the needs of society, would permeate every fibre of the body politic, moulding with plastic power the passions and habits of men into harmony and order, is torn from its appropriate purpose as a great restrainer and temperance reformer, into a licenser of murder-makers and liquor-venders. Another illustration of how much men will suffer when they do not see the hand that strikes; or when that hand is gloved in luxury and welcomes you to its rich banquet. There is a mine of meaning in the story told by Bishop Berkeley, as to the origin of gunpowder and brandy. "The government of the North being once upon a time vacant, the Prince of the power of the air, convened a council in Hell, wherein, on competition between two demons of rank, it was determined that they should make a trial of their abilities, and he should succeed who did the most mischief. Accordingly all the devils were on tip-toe—their horns were exalted, expectant of the trial of skill between these ambitious demons. The theatre of Pandemonium was full. The infernal orchestra sent its peals of discord around. Soon the black curtain rolled up! One made his appearance in the shape of gunpowder; the other in that of brandy. The former was a declared enemy, and roared with a terrible noise, which made folks afraid and put them on their guard. The other passed as a friend and a physician through the world, disguised himself with sweets, perfumes and drugs,—made his way into the ladies' cabinets and the apothecaries' shops, and under the notion of helping digestion, comforting the spirits and cheering the heart, produced exactly contrary effects, and having insensibly thrown great numbers of human kind into a lingering and fatal decay, was found to people Hell and the grave so fast, as to merit the government which he still possesses." Is the story not too true, and do you not believe that this unguarded, indirect and silent attack of the seller of liquor, requires a greater restraint from those who oppose evil and would protect society from its consequences, than the more undisguised and open enemies of social order?

This view of the connection between law and liquor is opposed by many—

why? Because they hold that any law restraining the sale of liquor, is in restraint of trade, and a violation of the individual right of each one to follow his own business. Indeed, so far has this idea been carried, even by learned jurists, that the constitutionality of the State laws, prohibiting, controlling and preventing the sale of liquor, was denied. It will be remembered that in 1837, Massachusetts passed the 28 gallon law, forbidding a less quantity of liquor than that from being sold. Mr. Webster and Mr. Choate, as lawyers, thought the law unconstitutional and void, because it thwarted the operations of the paramount laws of Congress, regulating imports and the treaties with foreign powers. It was contended that if it was right to import, it was right to retail; since import applied its use and consumption in small quantities.

Similar questions arose in Rhode Island and New Hampshire; and they were all taken up to the highest tribunal of the land, the Supreme Court of the United States. The case is fully reported in 5 Howard's Reports. The decision of that Court sustained the constitutionality of the laws of the State. The decision is an honor to that noble bench of judges. It is well for the cause of good morals and pure justice that we have a tribunal thus constituted, apart from the bickerings of party and social strife, in whose calm forum the voice of conscience speaks in its still, small, yet all potent voice. It is well, too, to notice the lofty ground assumed by that tribunal, as the basis of its decision. The Chief Justice Taney, (577 of 5 Howard) in delivering the opinion of the Court, says:—"If any State deems the retail and internal traffic in ardent spirits injurious to its citizens, and calculated to produce idleness, vice and debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic, or from prohibiting it altogether, if it thinks proper." That decision fixes the right to prohibit. Judge McLean also says:—"Everything prejudicial to health or morals may be removed, and that this principle depends on the law of self-preservation." The Court say in their opinion, in substance, that this traffic is a crime against society, disapproved by all true men, and condemned by the great moral judge of the Universe. They upheld nobly the States of New England in their endeavors to extirpate this crime and its horrible effects. They declare that the same principle which can stop licentious publications, infectious articles, diseased meat; exclude lottery tickets, gunpowder, indecent prints, and many other matters deemed impolitic or criminal; which prohibits the soil from being polluted by incendiaries, felons and paupers; and which prohibits one government from making another a penitentiary, hospital or poor-house for outcasts; also forbids all poisons to health and instruments of vice, debauchery, crime and misery.

Then let it be understood as the supreme law of the matter, that our States have the power to restrain the sale of that which disturbs the public peace, and invades the public morals and the public health. These objects lie at the foundation of social existence. All laws in conflict with this should be repealed; for the supreme law is the safety of the citizen!

Does any one require it to be demonstrated that intemperance is a crime against society? Although it is a foregone conclusion with every observing and intelligent man, although it is well established that four-fifths of all the crimes in the country spring from the use of liquor; yet it may be well to glance at a few recent facts.

Returns before the New York Legislature prove that upwards of 36,000 persons were arrested for crime in that State, in 1849, and that from four-fifths to nine-tenths of all the crime committed had its origin in intemperance. The committee to whom the subject was referred, estimate the cost of pauperism caused by intemperance to the people of this State during the year, at \$2,000,000. They also estimate the amount annually expended for drinks at 7,000 grog-shops existing in the cities of this State, exclusive of villages, more than \$25,000,000.

It is estimated that one hundred and thirty thousand barrels of whisky are annually consumed in Philadelphia; and that every barrel makes ten "drunks," or 1,300,000 altogether. We need not go so far from home.

From the Attorney General's report for Ohio last year, we learn that, from twenty counties, there were six hundred and twenty-three persons prosecuted for crimes; 453 of whom were induced to commit the crime by intemperance; and that over \$16,000 were paid for fines, costs, &c., attending such prosecution. In Muskingum, last year, out of 65 convictions, 45 sprung from intemperance.

Yet, with these facts before their eyes, the City Council of Zanesville ushered in their virgin city by licensing eleven establishments, as many in number as there are churches in Zanesville, for \$6.50. This is paid over to society as an equivalent for the privilege of making loafers, vagabonds, cut-throats, thieves and madmen. Who does not say that such an equivalent is as a drop in the ocean? An equivalent to a wife for the loss of a husband by delirium tremens? An equivalent for the burning blush of shame which mantles the pure brow of the drunkard's son? An equivalent? If equivalents are talked of, I, for one, would go for holding the city or town liable for damages in consequence of injury or death caused by the sale of liquor. If a man happens to break his limb in a ditch left by the town open, in excavating for water or gas pipes, the city is liable. But for an injury, incomparably greater, there is no law. Perhaps no measure of damages would be adequate. The very reason why the city should absolutely prohibit the pernicious practice.

A beautiful commencement truly this in legislation. That City Council must have studied the social relations with a profounder insight than those august Judges, whose decisions brand Intemperance as a deadly disease to society. Not content with licensing these dram-shop hotels, they have passed a general "omnibus bill" for all kinds of intemperance, ale, porter, etc. Henceforward, let purity and progress speak in whispers in the city of Zanesville. Henceforward, let that fountain which bursts into beauty and falls into its crystal basin before our temple of Justice, be sealed. It has lost its meaning there as an emblem of Temperance. Its presiding genius should change her fair humanity with one of the reeling Bacchantes. Its prisms should bend no more arches of Hope.

There was one man—honor to him!—who could not be a party to this matter. He had seen the monster "sitting in the lurking places of the villages and in secret places murdering the innocent." He protested against it in this decisive language:

"I protest against granting any license to retail intoxicating drinks, for the following reasons:

"1. Because it is demonstrated by the light of science to be an invidious poison to the human system.

"2. Because its tendency is to deprave and ruin the morals, waste the property, and unfit for the useful avocations of life, those who indulge in its use; it paralyzes all the finer, all the holier feelings of their natures, and prepares them to violate the most sacred and solemn ties that were designed, by the gracious Author of their being, to unite society in the bonds of love and peace.

"3. Because it increases taxation, endangers the security of life and property, disturbs the public peace, and furnishes schools of vice for the young.

"Lastly, Because by licensing this unholy traffic we give it countenance, and become abettors to this damning sin."

A few more such men in our public councils, and our cities would not be the scenes of riot, profligacy and crime, which they too often are.

Since the important decision of the Supreme Court above, Massachusetts has authorized her dram-shops to be abolished as nuisances by a board of health, in the same manner as other causes of filth and causes of sickness. Yet our moral City Council over the river have thrown around this hideous form the snow-white vesture of the young city! Upon what reasoning can such a course be justified? "Oh!" they say, "liquor will be sold, any how. Had we not better make something out of it, since it will exist?" So will larcenies and cheating, riots and murders exist, in spite of all laws; but is that any reason why a license to steal, cheat, run riot, and kill, should be granted?

I have no patience with such reason; it smacks of the bottle. He who uses it, should dance with the head of him, and think with his heel. What! because